

# **SOUTH DAKOTA DEPARTMENT OF EDUCATION SPECIAL EDUCATION PROGRAMS**

## **ADVANCE**

### **Continuous Improvement Monitoring Process Report 2006-2007**

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**Dates of On Site Visit:** January 18, 2007

**Date of Report:** February 16, 2007

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This report contains the results of the steering committee's self-assessment and the validation of the self-assessment by Special Education Programs. The report addresses six principles – General Supervision, Free Appropriate Public Education, Appropriate Evaluation, Procedural Safeguards, Individualized Education Program and Least Restrictive Environment. Each principle is rated based on the following scale:

- Promising Practice** The district/agency exceeds this requirement through the implementation of innovative, high-quality programming and instructional practices.
- Meets Requirements** The district/agency consistently meets this requirement.
- Needs Assistance** The district/agency consistently does not meet this requirement and is out of compliance.
- Needs Intervention** The district/agency consistently does not meet this requirement and is out of compliance.
- Not applicable** In a small number of cases, the standard may not be applicable for your district/agency. If an item is not applicable, the steering committee should briefly explain why the item is NA. Example – no private schools within the district boundaries.
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## **Principle 1 – General Supervision**

General supervision means the school district's administrative responsibilities to ensure federal and state regulations are implemented and a free appropriate public education is provided for each eligible child with a disability. The specific areas addressed in principle one are child find, referral procedures, children voluntarily enrolled by parents in private schools, students placed by the school district, improving results through performance goals and indicators (assessment, drop out, graduation), professional development, suspension and expulsion rates.

### **Steering Committee Self-Assessment Summary**

#### **Meets requirements**

The steering committee identified that the agency does not conduct child find activities. The agency becomes involved in the provision of services upon contact

from local school districts. There are no agency students enrolled in private schools. The agency suspension and expulsion policies meet state and federal regulation. The agency employees fully certified personnel for special education positions.

## **Validation Results**

### **Meets requirements**

The monitoring team agrees with the steering committee data for Principle One, General Education with the exception of having fully certified personnel for special education positions.

### **Needs Intervention: (Out of Compliance) Issues requiring immediate attention**

**ARSD 24:05:16:16. Personnel standards.** To ensure that all personnel necessary to carry out the purposes of Part B and Part C of the Individuals with Disabilities Education Act are appropriately and adequately prepared and trained, the division shall determine that all personnel providing special education or related services, including early intervention and early childhood personnel, perform these functions under state-approved or state-recognized certification or licensure or other comparable requirements that apply to the area in which the person is providing instruction or other service.

**ARSD 24:05:13:02. Free appropriate public education (FAPE) defined.** For purposes of this article, the term, free appropriate public education, or FAPE, includes special education and related services which meet the following requirements:

(1) Are provided at public expense, under public supervision and direction, and without charge;

(2) Meet the standards of the state board in this article and the implementing regulations for Part B of the Individuals with Disabilities Education Act as in effect June 4, 1997, and 34 C.F.R. Parts 300-302, published in the Federal Register on March 12, 1999;

(3) Include preschool, kindergarten, elementary school, and secondary school education in South Dakota; and

(4) Are provided in conformity with an individual educational program and this article.

FAPE shall be made available to any eligible individual child with a disability who needs special education and related services even though the child is advancing from grade to grade. FAPE shall also be provided to eligible children with disabilities who have been suspended or expelled from school consistent with

chapters 24:05:26 and 24:05:26.01. The determination that a child is eligible under this article must be made on an individual basis by an IEP team.

Through interviews, it was determined that ADVANCE does not have a certified special education teacher on staff.

## **Principle 2 – Free Appropriate Public Education**

All eligible children with disabilities are entitled to a free appropriate public education in the least restrictive environment. The specific areas addressed in principle two are the provision of FAPE to children residing in group homes, foster homes, or institutions, making FAPE available when a child reaches his/her 3<sup>rd</sup> birthday and providing FAPE to eligible children with disabilities who have been suspended or expelled from school for more than 10 cumulative days.

### **Steering Committee Self-Assessment Summary**

#### **Meets requirements**

A review of student files indicates students are provided services in accordance with their IEP/ISP. The agency keeps detailed documentation of services. The agency comprehensive plan addresses procedures for students who may be suspended or expelled, including the provision of a free appropriate education. The agency has not suspended or expelled a student for more than 10 school days. In interview, staff noted if a student was experiencing difficulty with their placement and following the rules of conduct, a team meeting is convened to address the concerns and adjust the program accordingly.

### **Validation Results**

#### **Meets requirements**

The monitoring team agrees with the steering committee data for Principle Two, Free Appropriate Public Education as meeting the requirements.

## **Principle 3 – Appropriate Evaluation**

A comprehensive evaluation is conducted by a team of knowledgeable staff, which also includes parental input. A valid and reliable evaluation will result in effective individualized education programs for eligible students. The specific areas addressed in principle three are written notice and consent for evaluation, evaluation procedures and instruments, eligibility determination, reevaluation and continuing eligibility.

### **Steering Committee Self-Assessment Summary**

#### **Meets Requirement**

The steering committee concluded that the written notice has all components addressed. Evaluations are comprehensive and address all of the student's needs. Parents receive a copy of all evaluation results and IEPs. A comprehensive

evaluation is conducted by a team of knowledgeable staff, which also includes parental input.

## **Validation Results**

### **Meets Requirements**

The monitoring team agrees with the steering committee that the written notice has all the components.

A comprehensive evaluation is conducted by a team of knowledgeable staff, which also includes parental input.

### **Out of Compliance: Needs Assistance**

#### **ARSD 24:05:30:04 Prior notice and parent consent**

Informed parental consent must be obtained before conducting a first-time evaluation, reevaluation, and before initial placement of a child in a program providing special education or special education and related services. Parental consent is not required before:

- (1) Reviewing existing data as part of an evaluation or reevaluation; or
- (2) Administering a test or other evaluation that is administered to all children unless, before administration of that test or evaluation, consent is required of parents of all children.

#### **ARSD 24:05:25:04 Evaluation procedures**

School districts shall ensure, at a minimum, that evaluation procedures include the following:

- (7) The child is assessed in all areas related to the suspected disability, including, as applicable, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities;

The monitoring team found that transition evaluations were being completed, but written reports are not being generated on the transition assessment and given to the parents. Parents are not giving permission for the transition evaluation. One evaluation listed on the prior notice was not given. One student evaluated in 2005 had no prior notice for the evaluations completed.

## **Principle Four- Procedural Safeguards**

Parents of children with disabilities have certain rights available. The school makes parents aware of these rights and makes sure they are understood. The specific areas addressed in principle four are adult student/transfer of rights, content of rights, consent, written notice, confidentiality and access to records, independent educational evaluation (IEE), complaint procedures, and due process hearings.

## **Steering Committee Self-Assessment Summary**

### **Meets requirements**

The agency has procedures within the comprehensive plan which meet the requirements of surrogate parent appointments. In interview, staff noted if a surrogate is needed, they take effort to secure an individual who is familiar with the student. The agency comprehensive plan has policies and procedures for responding to complaint and due process hearings.

### **Validation Results**

#### **Meets requirements**

The monitoring team agrees with all areas identified as meeting requirements for Principle Four Procedural Safeguards as concluded by the steering committee.

### **Principle 5 – Individualized Education Program**

The Individualized Education Program (IEP) is a written document for a child with a disability that is developed, reviewed and revised by the IEP team, which includes the parent. The specific areas addressed in principle five are IEP team, IEP content, transition components for secondary IEPs, annual reviews, transition from early intervention program, and IEP related issues.

### **Steering Committee Self-Assessment Summary**

#### **Meets requirements**

The IEP team requirements are being met in a satisfactory manner. The agency invites the appropriate members, soliciting the involvement of the district responsible for the student placed at Advance. Contacts are made with the parents to secure their involvement as well.

Transition plans are developed as a coordinated set of activities based on the transition needs of the student.

### **Validation Results**

#### **Meets requirements**

The monitoring team agrees with the steering committee's areas of meets requirements.

#### **Out of compliance: Needs Assistance**

**ARSD 24:05:27:08. Yearly review and revision of individual educational programs.** Each school district shall initiate and conduct IEP team meetings to periodically review each child's individual educational program and, if appropriate, revise its provisions. An IEP team meeting must be held for this purpose at least once a year. The review shall be conducted to determine whether the annual goals for the student are being achieved. The individualized education program shall be revised, as appropriate, to address: any lack of expected progress toward the annual goals and in general curriculum; the results of any reevaluation conducted;

information about the student provided to, or by, the parents; the student's anticipated needs; or other matters.

One student had an IEP due on July 5, 2006 and it was not completed until July 14, 2006.

## **Principle 6 – Least Restrictive Environment**

After the IEP is developed or reviewed, the IEP team must decide where the IEP services are to be provided. Consideration begins in the general education classroom for school age students. The specific areas addressed in principle six are placement decisions, consent for initial placement, least restrictive environment procedures, preschool children, and LRE related issues.

## **Steering Committee Self-Assessment Summary**

### **Meets requirements**

The steering committee concluded the school district provides procedures for determining placement options using the continuum of alternative placements. LRE considerations are applied to all students.

## **Validation Results**

### **Meets Requirements**

The monitoring team agrees with all areas identified as meeting requirements under Principle Six Least Restrictive Environment.